

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
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3 San Francisco, CA 94104
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4 Attorneys for Plaintiffs
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 BOARD OF TRUSTEES OF THE NORTHERN)	NO. C 07 3207 JL
CALIFORNIA FLOOR COVERING, et al.,)	
)	DECLARATION OF ATTORNEY
12 Plaintiffs,)	MICHAEL J. CARROLL IN
)	SUPPORT OF PLAINTIFF'S
13 vs.)	EX PARTE APPLICATION FOR
)	ORDER TO CONTINUE CASE
14 BEVIL'S FLOOR SERVICE, INC., a)	<u>MANAGEMENT CONFERENCE</u>
15 California corporation)	
)	
16)	
17 Defendant.)	

18 I, MICHAEL J. CARROLL, certify:

19 1. I am an attorney with the law firm of Erskine & Tulley,
20 A Professional Corporation, attorneys for plaintiffs, BOARD OF THE
21 NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY WELFARE FUND; STEVE
22 HAVENS, TRUSTEE, in this action. I am duly admitted to practice law
23 in the United States District Court, Northern District of California.
24 If called as a witness, I could and would competently testify as
25 follows:

26 2. Service was accomplished upon the only party in this
27 case on July 9, 2007. No responsive pleading was filed.

28 3. On December 13, 2007 the default of defendant was

1 entered by the Court.

2 4. The parties were engaged in settlement discussions which
3 were not completely successful. We now have the necessary paperwork
4 from defendant and we will be filing a motion for default judgment.

5 5. It is requested that the Court continue the Case
6 Management Conference to May 21, 2008 to allow plaintiffs time to file
7 the motion.

8 7. Good cause exists to grant plaintiffs' request for a
9 continuance of the Case Management Conference currently set for March
10 19, 2008 to May 21, 2008 because of the impossibility of plaintiffs
11 to file a motion for default judgment at this time and to avoid any
12 unnecessary burden to the Court.

13 I declare under penalty of perjury that the foregoing is
14 true and correct to the best of my knowledge.

15 Executed on March 13, 2008 at San Francisco, California.

16
17 /s/ Michael J. Carroll
Michael J. Carroll

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On March 13, 2008 I served the within DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Bevil's Floor Service
533 Burke Street
San Jose, CA 95112

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 2008 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman